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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 ROBERT ARISTO GALLARDO III,  
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13 vs. Petitioner,  
14 GEORGE NEOTTI, Warden,  
15 Respondent.

CASE NO. 11cv2569-LAB (RBB)

**ORDER ADOPTING REPORT  
AND RECOMMENDATION; AND  
ORDER DENYING PETITION FOR  
WRIT OF HABEAS CORPUS**

16 Petitioner Robert Gallardo filed a petition for writ of habeas corpus pursuant to 28  
17 U.S.C. § 2254. Respondent filed an answer, but Gallardo filed no traverse. This matter was  
18 referred to Magistrate Judge Ruben Brooks for report and recommendation pursuant to 28  
19 U.S.C. § 636(b). Judge Brooks issued his report and recommendation, which recommended  
20 denying the petition. Gallardo has filed no objections to the report and recommendation.

21 A district court has jurisdiction to review a Magistrate Judge's report and  
22 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). The Court reviews de novo  
23 those portions of the R&R to which specific written objection is made. *United States v.*  
24 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear  
25 that the district judge must review the magistrate judge's findings and recommendations de  
26 novo *if objection is made*, but not otherwise." *Id.* When no objections are filed, the Court  
27 need not conduct a de novo review. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.  
28 2005).

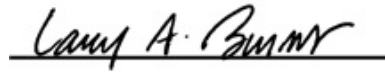
1           The Court has reviewed the reoprt and recommendation, finds it to be correct, and  
2 **ADOPTS** it. The petition is **DENIED**.

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4           **IT IS SO ORDERED.**

5 DATED: July 24, 2013

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**HONORABLE LARRY ALAN BURNS**  
United States District Judge

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